

IN THE UNITED STATES DISTRICT COURT FOR
THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION

ANNIE BELL LAMBERT,)	
)	
Plaintiff,)	
)	
v.)	CASE NO. 1:08-cv-80-MEF
)	
WINN-DIXIE STORES, INC.,)	
)	
Defendant.)	

ORDER

This case arises out of an alleged “slip and fall” incident that occurred at the Winn-Dixie store in Dothan, Alabama on or about January 15, 2006. On February 5, 2008, Defendant Winn-Dixie Stores, Inc. removed the case to this Court. On July 18, 2008, Defendant filed a Motion for Judgment as a Matter of Law (Doc. # 7) on the basis that it is not a proper party Defendant because the store in which Plaintiff fell was owned and operated by Winn-Dixie Montgomery, Inc.

On August 4, 2008, Plaintiff filed a Motion for Leave to Amend Complaint (Doc. # 12). Plaintiff wishes to name Winn-Dixie Montgomery, Inc. as the only Defendant.

Plaintiff has shown good cause for the Court to allow the proposed amendment to the Complaint. Accordingly, it is hereby ORDERED as follows:

- (1) Plaintiff’s Motion for Leave to Amend Complaint (Doc. # 12) is
GRANTED.
- (2) Plaintiff’s claims against Defendant Winn-Dixie Stores, Inc. are

DISMISSED WITHOUT PREJUDICE.

- (3) The Motion for Judgment as a Matter of Law (Doc. # 7) is DENIED as moot.

Done this the 7th day of August, 2008.

/s/ Mark E. Fuller
CHIEF UNITED STATES DISTRICT JUDGE